REMARKS

Applicant acknowledges receipt of the Office Action dated January 31, 2008, in which the Examiner objected to the Drawings; objected to the Abstract; objected to claim 15; and rejected claims 1-15 as anticipated by Blange 2002/0079998. Applicant has amended the claims and traverses the objections and rejections for the reasons set out below.

Objection to the Drawings

Figure 1 has been amended to address the requirement that the device be shown as capable of creating a jet that impinges on an object and the specification has been amended to correspond to the new figure (reference numerals 19, 20, and 34 have been added). No new matter has been added, as the content of the figure is described in the text as originally filed.

Regarding Figure 9, Applicant agrees that it is difficult to understand, but Applicant is unsure how the figure could be altered to improve its clarity. Applicant points out that a comparable figure has been accepted in US patent 7,322,433 to the same inventor. If the Examiner feels that, in the absence of an amendment to Figure 9, Figure 9 should be deleted, Applicant will delete the figure and corresponding text.

Applicants have replaced figure 3 with a clearer image illustrating the same subject matter.

Replacement Sheets for Figure 1 and Figure 3 are included herewith.

Objection to the Abstract

The Abstract has been amended to conform to the requirements set out in the Office Action.

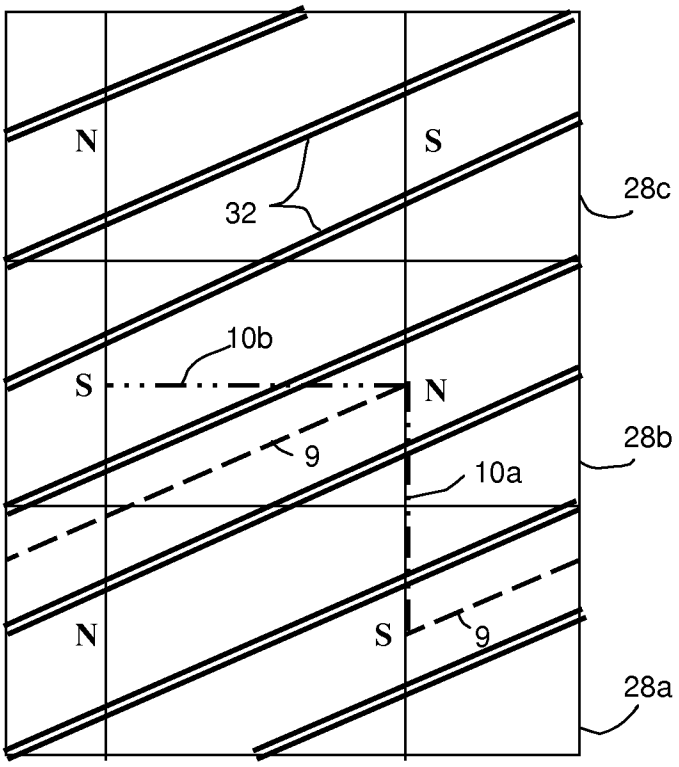
Objection to claim 15

Claim 15 has not been amended. Applicant respectfully submits that, as set out in the specification at page 6, line 14, “The drilling fluid passage 1 is arranged to bypass a device 6 for transporting magnetic particles that is included in the tool as part of a recirculation system for the magnetic abrasive particles which can be used if the abrasive particles contain a magnetic material.” Thus, while the Examiner’s understanding that the “bypass conduit” supplies the tool with fluid is correct, it is also true that the fluid provided by that route “bypasses” the magnetic particle recovery device that is the subject of the invention.

Rejection of claims 1-15 as anticipated by Blange 2002/0079998

Claims 1-15 have been amended to clarify but not to modify the recited limitation.

Applicant respectfully points out that commonly-owned US 2002/0079998 (which is now US Patent 6,702,940) does not disclose "the exact same arrangement of magnets as disclosed in Applicant's specification," as asserted by the Examiner. Specifically, the '998 application discloses three magnets that are "stacked in a manner that adjacent magnets have oppositely oriented N-S directions." (paragraph [0024], emphasis added.) Thus, if the surface of the magnets of the '998 application were "unrolled" and depicted in the manner of Figure 2 of the present application, it would look like the figure below at left, which is distinctly different from Figure 2 of the present application, below at right.



Mock-up derived from Fig. 5 of '998

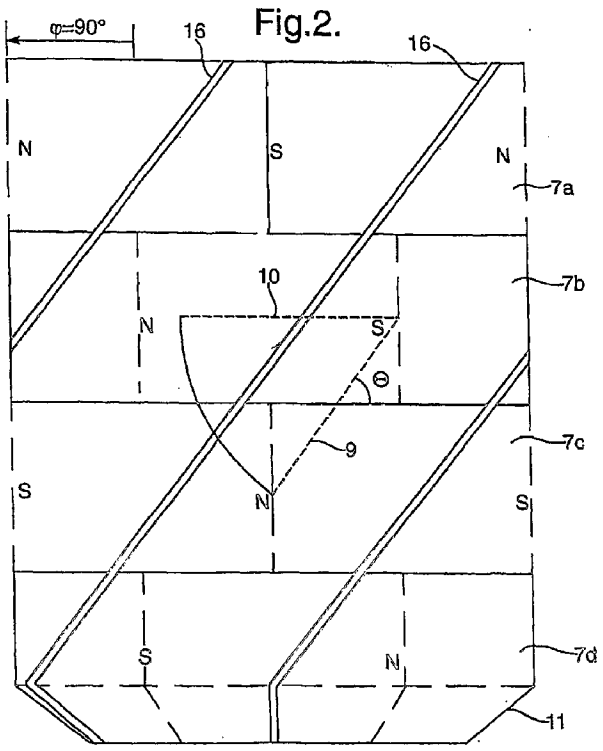


Fig. 2 of present case

Specifically, the path (9) along the high-field band, *i.e.* not crossing grooves 32, from one pole to a pole of opposite polarity in the magnet stack of the '998 reference is much longer, i.e. one full circumference of the stack, than either path (10a or 10b) across the magnetic field gradient, *i.e.* crossing grooves 32, from one pole to a pole of opposite polarity.

This is in direct contradiction to the amended claims, which require that "at least a first magnetic pole and a second magnetic pole of opposite polarity are arranged such that a first magnetic path on the support surface along said high-field band from the first magnetic pole to the second magnetic pole [9] is shorter than a second magnetic path on the support surface crossing the gradient zone from the first magnetic pole to any other nearest magnetic pole of opposite polarity." (emphasis and reference numeral added). As described in the present specification, the recited feature reduces the undesired phenomenon of magnetic particles "jumping" from one magnetic pole to the next, rather than advancing along the length of the tool as the high-field band rotates. The desired limitation is achieved by selecting the height, diameter, and pitch (relative azimuthal position) of the poles in a manner that is not taught by the '998 reference.

The '998 reference makes no teachings or suggestions regarding relative path distances between poles along the support surface. Furthermore, the tool illustrated and described therein does not meet the limitations of the present claims. Thus, one of ordinary skill in the art reviewing the '998 reference would not be taught of the need for a device as presently claimed and would not be led to construct a device as claimed.

For these reasons, Applicant respectfully submits that the present claims are patentable over the art of record. Applicant therefore requests that the Examiner reconsider and withdraw the rejections and allow the case. If the Examiner has any questions or comments regarding the present case, he is requested to telephone the undersigned at (713) 241-1041.

Respectfully submitted,

BLANGÉ, Jan-Jette

By: /Marcella Watkins/
Attorney, Marcella Watkins
Registration No. 36,962
(713) 241-1041 telephone
(713) 241-6617 facsimile

P. O. Box 2463
Houston, Texas 77252-2463